IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

Bail Appl..No. 7288 of 2006()

BP.1062/2006 of J.M.F.C.-I,SULTHANBATHERY
OR.NO.99/06 OF SULTHAN BATHERY EXCISE RANGE.

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PETITIONER/ACCUSED:

BALAKRISHNAN, S/O.KOPAN,
PADIKALTHODI VEEDU, KAVUMKARAKUNNU,
PAZHUPATHOOR, SULTHAN BATHERY.

BY ADV. SRI.JIJO PAUL

RESPONDENT: STATE:

THE STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, SULTHAN BATHERY EXCISE
RANG- THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION No. 7288 OF 2006

DATED THIS THE 8TH DAY OF DECEMBER, 2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner who is the accused in O.R.No.99/06 of Sulthan Bathery Excise Range for offences punishable under Sections 8(1) and 8(2) of the Abkari Act, for having been found in possession of 2 liters of arrack on 21.11.2006, seeks his enlargement on bail. The petitioner surrendered on 28.11.2006.

2. I heard the learned counsel for the petitioner and the learned Public Prosecutor. The learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE.

dsn/-